

## **REMARKS**

As of the 28 December 2007 *Office Action*, Claims 4-8 and 10-15 are pending in the Application. In the *Office Action*, Examiner rejects all pending Claims. Applicant thanks Examiner with appreciation for the careful consideration and examination given to the Application.

By the *Response*, Applicant amends Claims 4, 5, 10, and 11, and presents new Claim 29. Claims 6-7, 12-13, and 15 were previously presented, Claims 8 and 14 are in their original format, Claims 16-24 stand withdrawn, and Claims 25-28 are canceled.

No new matter is believed introduced in this submission as at least ¶¶ [0053]-[0054] and Figs. 3-7 of the *Publication* of the present Application support the amendments. (*See U.S. Patent Publication No. 2005/0286979*)

Applicant submits this *Response* solely to facilitate prosecution. As such, Applicant reserves the right to present new or additional claims in this Application that have similar or broader scope as originally filed. Applicant also reserves the right to present additional claims in a later-filed continuation application that have similar or broader scope as originally filed. Accordingly, any amendment, argument, or claim cancellation presented during prosecution is not to be construed as abandonment or disclaimer of subject matter.

Accordingly, in this *Response*, Claims 4-8, 10-15, and 29 are pending in the Application. No new matter is introduced in this *Response*. It is respectfully submitted that the present Application is in condition for allowance for the following reasons:

### **I. Overview of the Rejections**

#### ***A. Rejections Under 35 U.S.C. §102***

In the *Office Action*, Claims 4-7 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Nos. 4,611,953 to Owens (“Owens”), 4,459,931 to Glidden (“Glidden”), and 3,788,396 to Shatto et al. (“Shatto”).

#### ***B. Rejections Under 35 U.S.C. §103***

In the *Office Action*, Claims 8 and 10-15 are rejected under 35 U.S.C. § 103(a). Specifically, Claim 8 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over

Owens in view of U.S. Patent No. 4,406,094 to Hempel et al. (“Hempel”) or U.S. Patent No. 4,222,683 to Schaloske et al. (“Schaloske”). Moreover, Claim 8 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Glidden in view of Hempel or Schaloske. Also, Claim 8 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Shatto in view of Hempel or Schaloske. Claims 10-14 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Owens or Glidden in view of U.S. Patent No. 4,789,271 to Sullaway et al. (“Sullaway”), U.S. Patent No. 6,409,428 to Moog et al. (“Moog”), U.S. Patent No. 4,869,615 to Galle (“Galle”), or U.S. Patent No. 4,902,169 to Sutton (“Sutton”). Claim 15 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Owens or Glidden in view Sullaway, Moog, Galle, or Sutton in further view of Hempel or Schaloske.

In the present Application, Claims 4-8 and 10-15 as amended are novel over the cited references. Further, the combination of the features recited in Claims 4-8 and 10-15 would not have been a predictable result from a combination of the teachings of the cited references.

## **II. Claims 4-8 & 10-15 Are Patentable Over The Cited References**

Claim 4, as amended, is believed patentable over Owens, Glidden, and Shatto because it recites an “active adjustable alignment means” that is not disclosed in the cited references. As this feature is absent from Owens, Glidden, and Shatto, it is respectfully submitted that Claim 4, and those Claims ultimately dependent therefrom, are novel over Owens, Glidden, and Shatto.

Currently amended Claim 4 is directed to a structure for insertion into a foundation, the foundation having an intermediate supporting part and an upper body part having an internal guiding surface. The structure includes an active adjustable alignment means which can be caused to act on the internal guiding surface after insertion of the structure into the socket to achieve a correct alignment of the structure.

None the cited references disclose an active adjustable alignment means as recited in the claimed invention.

Owens discloses a sub-sea tether anchor that includes a “plug,” which is retained in a “socket” of a foundation on the seabed. The Examiner identifies items 56, 50 and 46 as alignment means readable on the alignment means of the present Claims. These items, however, are a patentably distinct conventional latching means. Item 46 is a latch segment or dog which

has a “doghead” 50. Item 56 is a latching key. The doghead 50 is urged into an annular recess 18 of the socket to retain the plug in the socket. Latching key 56 is a part of an automatic release mechanism. Thus, none of these items has any effect on, or function in relation to the function of the recited active adjustable alignment means of the present Claims.

Glidden also fails to disclose an active adjustable alignment means as recited in Claim 4. The Examiner refers to items 62, 63 and 56. Item 56 is a snap ring, which is urged radially outwardly into an annular recess 32 of the socket to retain the plug in the socket. Items 62 are helical springs that act on positioning pins 63. The springs 62 and pins 63 are used to urge the snap ring into a retracted and locked condition for removal of the plug from the socket. Thus, Glidden does not teach the function of the recited active adjustable alignment means of the present Claims.

Shatto also fails to disclose an active adjustable alignment means as recited in Claim 4. Shatto discloses devices for re-entry into wells on the sea floor, and Figure 6 shows a “bumper head” 149 at the end of a tube string. The well head has a guide cone 154. The bumper head is provided with arms 151 which are hinged at 152 at their lower ends so that they can extend radially outwardly. Springs 153 urge the arms 151 outwardly. The arms 151 contact the guide cone 154 to assist in directing the bumper head to the central well casing 156. Shatto does not disclose the function of the recited active adjustable alignment means of the present Claims.

The active adjustable alignment means recited in Claim 4 is not disclosed in the cited references. The alignment means in the cited references function passively to guide and lock an element in position. Once the element has been fully inserted, the alignment means of the cited references are incapable of actively adjusting the alignment of the element. In contrast, the active alignment means of the claimed invention is capable of adjusting the alignment of the end part after it has been inserted into the foundation to achieve a desired vertical alignment.

Claim 10 recites a controllable alignment means. As discussed above, the cited references merely disclose passive alignment means. None of the cited references disclose an alignment means that is controllable. In the systems of the cited references, once the element has been inserted, the alignment means cannot be controlled to adjust the alignment of the element. In contrast, the claimed invention enables a user to actively control the alignment means to adjust the alignment of the end part relative to the foundation after it is fully inserted.

Claims 5 and 11, as amended, recite that the alignment means is detachable and removable, respectively, after the end part is inserted in the foundation and remains therein. The Examiner argues that the alignment means of the cited references are capable of being removed by shearing or removing connecting pins. Applicant does not concede that disassembling or breaking an element of a structure renders the element “removable” or “detachable”. Applicant submits, however, that the alignment means of the cited references cannot be separated from the elements to which they are attached after said elements are locked in place. Once the elements of the cited references have been inserted into position, the alignment means are trapped between the element and the corresponding receptacle. Consequently, there is no access to the alignment means to remove pins and the alignment means. Similarly, assuming pins sheared, the alignment means would remain locked in place relative to the element, and could not be removed or detached therefrom.

Claims 8 and 10-15 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Owens, Glidden, and Shatto in view Hempel, Schaloske, Sullaway, Moog, Galle, and Sutton. None of these references disclose a controllable or active adjustable alignment means as disclosed in Claims 4 and 10. Further, none of the cited references disclose a detachable or removable alignment means as recited in claims 5 and 11. Therefore, these references do not cure the defects of Owens, Glidden, and Shatto with regard to Claims 4, 5, 10, and 11 as described above.

For at least these reasons, the cited references, alone or in combination, fail to disclose each and every limitation of Claims 4, 5, 10, and 11. Thus, Applicant respectfully submits that Claims 4, 5, 10, and 11 are patentable over the cited references, and are in condition for allowance. Further, Claims 6-8 and 12-15 are also believed to be in condition for allowance at least due to their dependence upon Claims 4 and 10, and further features defined therein.

### **III. Claim 29 Is Patentable Over The Cited References**

Claim 29 recites that the alignment means are a plurality of hydraulic cylinders. None of the cited references disclose hydraulic cylinders as potential alignment means. Therefore, Claim 29 is believed to be patentable over the cited references on the merits of limitations recited therein in addition to its dependence upon Claim 4.

#### **IV. Fees**

This *Response* is being filed within five months of the mailing date of the *Office Action*, and thus extension of time fees for two months are believed due and are paid via EFS-Web.

As amended, the Application does not contain Claims in excess of the number paid for upon original filing, thus no Claim fees are believed due.

Nonetheless, the Commissioner is hereby expressly authorized to charge any fees that may be required to Deposit Account No. 20-1507.

### **CONCLUSION**

By the present *Response*, this Application has been placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.3340.

Respectfully submitted,

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